



01-30-03

RCE/3728

PTO/SB/30 (08-00)

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**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.

See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/875,542
Filing Date	6/6/01
First Named Inventor	Peterson
Group Art Unit	3728
Examiner Name	M. Paterson
Attorney Docket Number	LEH-33

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application.

NOTE: 37 C.F.R. § 1.114 is effective on May 29, 2000. If the above-identified application was filed prior to May 29, 2000, applicant may wish to consider filing a continued prosecution application (CPA) under 37 C.F.R. § 1.53 (d) (PTO/SB/29) instead of a RCE to be eligible for the patent term adjustment provisions of the AIPA. See Changes to Application Examination and Provisional Application Practice, Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865, (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office 47 (Apr. 11, 2000), which established RCE practice.

1. Submission required under 37 C.F.R. § 1.114

- a. Previously submitted
 - i. Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on _____ (Any unentered amendment(s) referred to above will be entered).
 - ii. Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
 - iii. Other _____
- b. Enclosed
 - i. Amendment/Reply
 - ii. Affidavit(s)/Declaration(s)
 - iii. Information Disclosure Statement (IDS)
 - iv. Other _____

2. Miscellaneous

- a. Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. Other _____

3. Fees The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. _____
 - i. RCE fee required under 37 C.F.R. § 1.17(e)
 - ii. Extension of time fee (37 C.F.R. §§ 1.136 and 1.17)
 - iii. Other _____
- b. Check in the amount of \$_____ enclosed
- c. Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Milton Wolson	Registration No. (Attorney/Agent)	22,620
Signature	<i>Milton Wolson</i>	Date	1/29/03

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express

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Ruk Peterson

Serial No.: 09/875542

Group Art Unit: 3278

Filed: 6/6/01

Examiner: M. Patterson

For: METATARSAL GUARD

Attorney Docket No.: LEH-33

CERTIFICATE OF MAILING UNDER 37 CFR 1.10
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Commissioner of Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

AMENDMENT

Please enter the following amendment in response to the November 4, 2002 Office Action.

In the Claims:

Please delete claims 1 through 3.

Please rewrite claim 4 as follows:

4. Footwear comprising a sole, a toe cap, and an upper having a unitary one piece molded metatarsal guard therein for transmitting a load to the sole, said metatarsal guard comprising a convex arch portion over the wearer's instep; a lip integrally molded with said arch portion and overlying the toe cap; and only a single concave right support leg and only a single concave left support leg overlying

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